

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**GERONIMO ROSADO FRATICELLI, JR.**

**Plaintiff**

v.

**PHYLLIS R. STRETEL, et al.**

**Defendants**

**CIVIL ACTION**

**NO. 17-3343**

NOV 30 2017  
KATE [unclear]  
By [unclear] Dep. Clerk

**ORDER**

AND NOW, this 30<sup>th</sup> day of November, 2017, upon consideration of plaintiff's motions to proceed *in forma pauperis* (ECF Nos. 4 & 5), his *pro se* complaint, and his motion for appointment of counsel, it is ORDERED that:

1. Leave to proceed *in forma pauperis* is GRANTED.
2. The Clerk of Court shall amend the docket to reflect plaintiff's name as it is written in the caption: Geronimo Rosado Fraticelli Jr.
3. The complaint is DISMISSED as frivolous and for failure to state a claim, pursuant to 28 U.S.C. § 1915(e)(2)(B)(i) and (ii), for the reasons stated in the Court's Memorandum. The dismissal is without prejudice to the amendment of certain claims as discussed in paragraph four (4) of this order.
4. Plaintiff may file an amended complaint within thirty (30) days of the date of this order in the event he can state a plausible basis for a constitutional claim against an appropriate defendant. Any amended complaint shall identify all defendants in the caption so that it is clear to the Court who plaintiff is naming as defendants in this matter. Any amended complaint **shall not** raise: (a) claims based on plaintiff's convictions, sentences, or the criminal proceedings leading to his convictions, as those claims are not cognizable and may only be reasserted by

plaintiff in the event his convictions are invalidated; (b) claims based on conduct that occurred between 2010 and 2013; (c) claims based on acts or omissions taken by judges in their judicial capacity that would be covered by absolute judicial immunity; (d) claims based on acts or omissions taken by prosecutors acting in their prosecutorial capacity that would be covered by absolute prosecutorial immunity; (e) claims against the United States or the Commonwealth of Pennsylvania; (f) claims against high-ranking government officials or other defendants who had no involvement in the claimed constitutional violations; (g) claims against individuals who are not state actors. Any amended complaint should clearly and briefly state the factual basis for plaintiff's claims against each defendant. Upon the filing of an amended complaint, the Clerk shall not make service until so ORDERED.

5. The motion for counsel is DENIED without prejudice.

**BY THE COURT:**



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C. DARNELL JONES, II, J.